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## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Wayne R. Andersen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6328	DATE	11/26/2007
CASE TITLE	DANIELA SARDISCO vs. AMERICAN FAMILY INSURANCE		

## DOCKET ENTRY TEXT

For the foregoing reasons, plaintiff's complaint is dismissed pursuant to 28 U.S.C. Section 1915(d) and her motion to proceed in forma pauperis [4] is denied. Therefore, this case is terminated.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

This matter is before the court on the application of plaintiff, Daniela Sardisco, to proceed in forma pauperis. For the following reasons, plaintiff's motion to proceed in forma pauperis is denied and this case is dismissed by this court pursuant to 28 U.S.C. § 1915(d).


The federal in forma pauperis statute is designed to insure that indigent litigants have meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). To that end, the statute allows a litigant to pursue a case in federal court without fees and costs provided the litigant submits an affidavit asserting an inability "to pay such costs or give security therefore," and the action is neither frivolous nor malicious. 28 U.S.C. § 1915. If a plaintiff's action is frivolous, the court must deny leave to proceed in forma pauperis. *See Wartman v. Milwaukee County Court*, 510 F.2d 130, 134 (7<sup>th</sup> Cir. 1975). At the preliminary stages of the litigation, a complaint is frivolous only "if the petitioner can make no rational argument in law or fact to support his claim for relief." *Jones v. Miller*, 777 F.2d 1277, 1279 (7<sup>th</sup> Cir. 1985). With these standards in mind, we turn now to the plaintiff's petition.

In this case, plaintiff's complaint must be dismissed. Since this is a federal court, we cannot hear claims unless they are brought under a federal statute or unless plaintiff's citizenship is different than that of the defendant. Plaintiff has cited no federal statutes nor does she include any allegations which could support diversity jurisdiction. Therefore, this court is without jurisdiction to hear this claim.

STATEMENT

For all of the foregoing reasons, plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(d) and her motion to proceed in forma pauperis is denied. Therefore, this case is terminated.

It is so ordered.

*November 26, 2007*   
Wayne R. Andersen  
United States District Court